

OPINION

By Prof. Dr. Plamen Alexandrov Panayotov, member of the scientific jury in an announced competition for the academic position of “Associate Professor” at the Faculty of Law of Sofia University in the field of higher education 3. Social, economic and legal sciences, professional field 3.6 Law (Criminal Law), published in the SG, No. 103 of 10.12.2021.

1. Chief Assistant Professor Dr. Krasimir Nikolov Manov is the only candidate in the competition for the Associate Professor in Criminal Law academic position. To be considered for this rank, he presents scientific papers, which were published after the defense of his dissertation. One of them is a habilitation thesis - the monograph “Criminal Mental Impact” /Sofia: Foundation for Bulgarian Literature, 2022, 268 p./ and the others are 5 articles, one of which is in English. At its first meeting, held on 14.02.2022, the scientific jury allowed Ch. Assist. Prof. Dr. Krasimir Manov to participate in the competition, as he meets the national minimum requirements for the academic position of “Associate Professor”.

2. Krasimir Manov has a master's degree in law from Sofia University “St. Kliment Ohridski”. Since 2002 he has been an assistant, and currently – a chief assistant in Criminal Law at the Faculty of Law of Sofia University “St. Kliment Ohridski”. In 2014, he obtained a Doctor of Law degree after defending a dissertation on “Criminal Law Protection of Cultural Heritage in the Republic of Bulgaria”. He successfully conducts seminars in Criminal Law (general and special parts) at the Faculty of Law, as well as a course of lectures at the Department of Education. It should be emphasized that Ch. Assist. Prof. Dr. Krasimir Manov successfully combines teaching and research with his practical work. Since 2005, he is a practicing lawyer at the Sofia Bar Association. Between 2009-2011 he was a member of the Board of Directors of “Restoration” EAD with the Ministry of Culture as principal. Since 2017 he is also a mediator, officially

registered in the Unified Register of Mediators at the Minister of Justice of the Republic of Bulgaria. At the same time, he participated in the preparation and analysis of numerous draft laws as an expert and consultant. Dr. Krasimir Manov also has extensive experience as a researcher in national and international research projects. He has participated as a speaker in many conferences on criminal law issues.

3. The monograph “Criminal Mental Impact” is a conscientiously conducted, in-depth and systematic study. The author infuses his significant research and practical experience into this monograph. The topic represents a significant scientific challenge. Its discussion presupposes that the author analyzes from a specific point of view the regulation of a number of institutes of the general part of criminal law, as well as of many types of criminal activity. Additionally, the study of such a topic requires an interdisciplinary approach in considering the problems and justifying the ways to solve them. It should be based on modern achievements in substantive and procedural criminal law, as well as in philosophy, psychology, criminology and general theory of law. Krasimir Manov has convincingly overcome this challenge.

The structure of the research is determined by the set scientific tasks and goals. In the first part the emphasis is placed on the mental impact, considered in connection with some basic concepts of criminal law - the object of the crime and the mechanism for its impact; composition of the crime; executive act and criminal result. The study is further differentiated according to whether the mental impact is discussed in the context of certain institutes of the general part of criminal law or certain types of crime. Therefore, the second part of the monograph explains the importance of mental impact in terms of the formation of guilt, complicity, indirect perpetration and some of the grounds that exclude the main features of the crime. And in the final part of the study, the focus is on crimes related to mental impact.

The adopted scientific approach gives exceptional relevance and practical usefulness to the study. The monograph is of interest to the law enforcement authorities, the legislator, the scientific community in the field of law, philosophy, and psychology, but also to a much wider range of readers - all those who want to make sense of how and what mental processes cause the commission of a crime in others.

The work is also distinguished by many specific contributions, some of which are the following:

- the cases of mental impact are systematized in two main groups: a/ direct - in which the act directly affects the human psyche and b/ indirect – in which the human psyche is affected indirectly, due to the perception of the result caused by the act /p. 15/;

- the types of mental impact are clarified according to the mechanism of their perception /p. 20-28/;

- the thesis proves that mental processes in other persons can be caused by a passive form of criminal behaviour - inaction /p. 28-33/;

- the point of view argues that practical significance should be given to the fact that the crime affects not only the psyche of the victim as per the meaning of the Criminal Procedure Code, but it also affects other persons. An opportunity has been identified to redress the harm suffered by other persons by applying restorative justice approaches, in case they are regulated in the future by law /p. 74-75/;

- the peculiarities of the formation of guilt in crimes related to mental influence have been clarified /p. 76-87/;

- the mental impact when committing an act by an undercover officer - Art. 12b of the Penal Code, in case of execution of an illegal official order - art. 16 of

the Penal Code and in case of coercion of a victim of a crime - Art. 16a of the Penal Code / p. 130-142 / has been studied;

- the system of crimes related to mental impact has been categorized. Two groups of crimes are defined based on the criterion - the intended or caused result. In the first group, the perceiver of the mental impact is motivated to commit certain behaviour - it may or may not be illegal /particularly criminal/. These are the so-called motivating crimes. In the second group, certain mental states or experiences are provoked in the perceiver /p. 143-146/;

- According to the accepted classification, different groups of crimes are considered, the components of which are characterized by executive acts associated with the exertion of mental impact on other persons. The focus is on clarifying a number of forms of such executive acts, which are referred to as persuasion, preaching, abetting, openly abetting, procuring, and more. /p. 146 et seq./. The criminal law significance of fraud and coercion as special ways of mental impact has been highlighted /p. 210 et seq./;

- in accordance with the objectives of the study, reviewed are the groups of crimes that cause certain mental states or experiences - those against honour and dignity; those that cause fear; those that have a mental impact by performing physical actions /p. 228 et seq./;

- the problems related to causing physical consequences by carrying out mental impact on another person are subjected to in-depth analysis /p. 247-254/.

Given the outlined contributions of the study, it is undoubtedly necessary to conclude that it is of great theoretical and practical importance. It contributes to the formation and implementation of an effective policy not only in regulating the consequences for perpetrators, but also in regulating more effective ways and measures to protect those whose interests may be affected or are affected by crime.

4. Ch. Assist. Prof. Dr. Krasimir Manov presents for participation in the competition five other scientific publications - "Preaching as Actus Reus of Crimes Under the Bulgarian Criminal Code" /In: Scholarly Readings: Law and Religion. Sofia, University Press "St. Kliment Ohridski", 2021, 368-376/; "Crime as Punishment and Punishment as a Crime. Some Thoughts on the Need for Alternative Means of Reaction Against Crimes" /In: Scholarly Readings: Sanctions in Law. Sofia, University Press "St. Kliment Ohridski", 2019, 391-402/; "Mental Impact in Bribery as Grounds for Exemption from Criminal Liability According to the Bulgarian Criminal Code" /In: "Topical issues of anti-corruption: the view of the scientist and practice": Materials of the International correspondence scientific-practical conference. Kazakh Humanities and Law Innovation University, 2018, 23-26/; "The Interdependence Between the Principles of Criminal Law and Principles of Penal Policy" /In: Scholarly Readings: Legal Norms and Legal Principles. Sofia, University Press "St. Kliment Ohridski", 2017, 323-332/; "On the Indirect Perpetration of Crime" /In: Scholarly Readings in memory of Venelin Ganev and Nikola Dolapchiev. Sofia, University Press "St. Kliment Ohridski", 259-277/. In four of these publications the author thoroughly explores specific aspects of the topic of the monograph. The fifth discusses the interconnectedness but also the need for a clear distinction between the principles of criminal policy and criminal law. It is emphasized that without such a distinction, the law enforcement could be allowed to run counter to the rule of law.

5. In general, the scientific contributions of Ch. Assist. Prof. Dr. Krasimir Manov should receive a high positive assessment due to the prominent theoretical and practical significance of his works. They are a novelty in science and are the result of his personal research. At the same time, through these works, he demonstrates his ability to identify important social problems, to study them thoroughly and to offer convincing ways to solve them.

In conclusion, given the abovementioned teaching, practical and research activities of Ch. Assist. Prof. Dr. Krasimir Nikolov Manov, I believe that he meets all conditions for receiving the academic position of "Associate Professor" in accordance with the Development of Academic Staff in the Republic of Bulgaria Act. Therefore, I recommend to the scientific jury to propose to the Faculty Council of the Faculty of Law of Sofia University "St. Kliment Ohridski" to award Dr. Krasimir Nikolov Manov the academic position "Associate Professor" in Criminal Law.

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